

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc.,)	
)	No. 07 C 0583
Plaintiff,)	
)	Judge Bucklo
v.)	
)	Magistrate Judge Mason
TAYLORED PLUMBING SERVICES, INC.,)	
)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and LISA M. SIMIONI, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Order entered May 17, 2007, moves the Court to enter Judgment in favor of Plaintiff and against Defendant, TAYLORED PLUMBING SERVICES, INC., in the amount of \$21,050.00. In support hereof, Plaintiff states:

1. On February 26, 2007, Plaintiff filed his Complaint, pursuant to ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185, and the Collective Bargaining Agreements (“CBA”), to obtain an audit and recover all unpaid contributions, interest, liquidated damages, professional fees, and court costs owed to Funds.

2. On April 18, 2007, Defendant was served with process through the Illinois Secretary of State. A true and correct copy of the Affidavit of Compliance is attached hereto as Exhibit A.

3. Pursuant to Fed. R. Civ. P. 12(a)(2), Defendant was required to answer and appear on or before May 8, 2007.

4. On May 17, 2007, the Court found Defendant in default and ordered Defendant to produce its books and records to Plaintiff for an accounting. The Court further retained jurisdiction to enter supplemental judgments in favor of Plaintiff and against Defendant for all contributions, interest, liquidated damage, professional fees and costs due Plaintiff. A true and correct copy of the Court's Order is attached hereto as Exhibit B.

5. Plaintiff's certified public accounting firm, Legacy Professionals, LLP, conducted a compliance audit of Defendant's books and records and issued a Compliance Report ("Audit"). The Audit reveals that for the period June 1, 2006, through May 31, 2007, Defendant failed to report and pay amounts due under the CBA on 551.35 hours of work. A true and correct copy of the Audit is attached as Exhibit C.

6. Based on the Audit and ERISA, 29 U.S.C. §1132, Plaintiff's damages are:

\$9,143.92 -	Unpaid contributions per ERISA, 29 U.S.C. §1132(g)(2)(A), and §9.8 of CBA
\$1,683.37 -	Interest on unpaid contributions per ERISA, 29 U.S.C., §1132(g)(2)(B), and §9.8 of CBA, which includes \$1,409.05 set forth in Audit + \$137.16/month after 9/30/07
\$1,683.37 -	Statutory double interest per ERISA, 29 U.S.C. §1132(g)(2)(C)
\$731.51 -	Liquidated damages per §9.8 of CBA
\$5,357.73-	Attorneys' fees and costs per §1.6 of CBA and ERISA, 29 U.S.C. §1132(g)(2)(D), through current (see Affidavit of Douglas A. Lindsay, attached as Exhibit D)

\$2,450.10 -

\$21,050.00-

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Judgment in favor of Plaintiff and against Defendant, TAYLORED PLUMBING SERVICES, INC., in the amount of \$21,050.00, and to award such other and further relief in favor of Plaintiff and against Defendant as the Court deems just. A draft Order is attached as Exhibit F.

~~By:~~

Of Counsel:
LEWIS, OVERBECK & FURMAN, LLP
20 North Clark Street
Suite 3200
Chicago, IL 60602-5093
312.580.1200

PROOF OF SERVICE

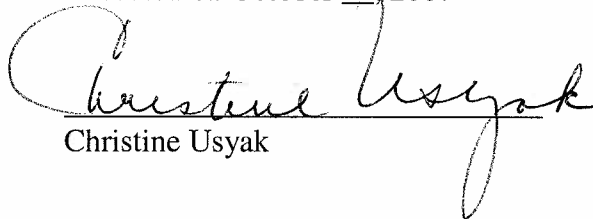
I served a copy of the foregoing MOTION FOR ENTRY OF JUDGMENT upon:

Taylorred Plumbing Services, Inc.
c/o Its Registered Agent, Ronald Scott Mangum
15106 Pleasant Valley Road
Woodstock, IL 60098

by placing true and correct copies thereof in sealed envelopes addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Chicago, Illinois on October ~~24~~²⁴, 2007, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October ~~24~~²⁴, 2007


Christine Uryak

OF COUNSEL:
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